



Practitioner's Docket No. 430.134

#11 DAC  
PATENT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ali, Sheila E.; Peterson, David; Piché, Gregory M.; and Lee, Roger V.

Application No.: 09/469,575

Group No.: 1615

Filed: 12/22/1999

Examiner: Amy E. Pulliam

For: Method and Product for Mitigating Pet Malodors

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED

DEC 01 2004

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER  
37 C.F.R. § 1.137(b)

1. This application became abandoned on October 26, 2001.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.
4. Fee (37 C.F.R. § 1.17(m))  
Application status is other than small entity—fee \$1,370.00.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_

Denise Whigham  
Signature

Date: 11/23/04

Denise Whigham  
(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

11/25/2004 WDEESS1 00000067 032270 09469575

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5. Payment of fee

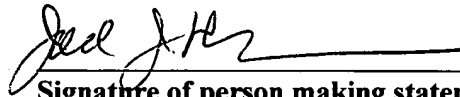
Authorization is hereby made to charge the amount of \$1,370.00 to Deposit Account No. 032270.

A duplicate of this petition is attached.

Because this petition is more than 1 year after the date of abandonment, applicant additionally submits further information below as to when the applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

The Applicants' representative was diagnosed with a serious illness that required him to take significant time off of work. During this illness the present application unintentionally became abandoned due to a failure to respond to a final office action caused by a docketing mistake. The present application was confused in the docketing system with a related continuation application and therefore the deadline for response to the final action was inadvertently missed. Recently, Applicant's representative discovered that the application was abandoned and since that time has diligently worked to prepare a response to the outstanding office action, and RCE and a petition for revival of an unintentionally abandoned application.

Date: 11/23/02



Signature of person making statement that  
abandonment was due to unintentional delay

Joel Hayashida  
P.O. Box 24305  
Oakland, CA 94623-1305

Date: 11/23/04



Signature of Practitioner  
Joel Hayashida  
The Clorox Company  
P.O. Box 24305  
Oakland, CA 94623-1305

Reg. No.: 30,065  
Tel. No.: 510-271-7847  
Customer No.: 27019